The City Council of the City of Raleigh met in regular session on Tuesday, October 2, 1984, at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Pastor Glenda Johnson of Avent Ferry United Methodist Church, after which the following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

MAYOR'S COMMITTEE FOR SERVICES TO THE HANDICAPPED - ACCESS PROJECT - ENDORSED

Mayor Upchurch introduced Bob Sexton, Chairman of the Mayor's Committee for Services to the Handicapped. Mr. Sexton introduced Charles R. DeSmet of the Jaycee's and Marion Grissom with the Eastern North Carolina Chapter of Multiple Sclerosis. Mr. Sexton explained the program the Mayor's Committee would like to undertake including sending out self-evaluation forms to local restaurants, hospitals, hotels, theaters, shopping centers, and places of worship with questions about dimensions of doorways, access to front entrance doors and other physical perimeters which may appear to limit access to disabled people. He explained this is a three page form with a cover letter and they hope to use the information gathered to compile a booklet to be used by citizens and tourists to the Capital City which would show facilities which have access for the handicapped. Mr. Sexton explained that they have developed a set of guidelines taken from the North Carolina Building Code - Handicapped Section which became law in 1977. He indicated once the information is gathered and the booklet printed, then it could be available for distribution in City Hall. He explained the needs of the handicapped pointing out, for instance, that the Sir Walter Apartments have no parking spaces available for the handicapped. He explained this project was started by a booklet given to him by Ellen Winstead and pointed out if it is a success, they hope to be able to do this in the Triangle Area and then have an access guide to the Triangle Area. He explained many times he gets calls from persons who want to know if there is a hotel, restaurant or various tourist attractions in the Raleigh area accessible to the handicapped. Mr. DeSmet indicated the Jaycees are very happy to participate in this program pointing out their role will be taking the self-analysis forms that are returned and go out and actually verify that the locations are accessible to the handicapped. Ms. Cates moved that the City Council endorse this project and express appreciation to the Mayor's Committee on Services to the Handicapped as well as the Jaycees and the Eastern North Carolina Chapter of M.S. Her motion was seconded by Ms. Block. Mr. Congleton indicated, as Deputy Director of the Division of Aging, he would like to offer that agency's assistance in any way. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

VICE PRESIDENTIAL CANDIDATE GERALDINE FERRARO - KEY TO THE CITY

Mayor Upchurch indicated yesterday, he appeared at the Geraldine Ferraro rally and presented her with a key to the City of Raleigh. He stated he did this in honor and respect to the first woman to ever be nominated as Vice President of the United States.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all matters are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Ms. Block requested that the traffic item relating to Lynn Road be withdrawn. Ms. Cates requested that the item relating to Special Populations be withdrawn. City Manager Benton indicated Page 9 of the Agenda outlines a transfer in the amount of $3,800 in the Community Development Program. He stated this is a repetitive transfer and should be deleted from the Agenda. Without objection, the two items were withdrawn from the Consent Agenda and the third item deleted from consideration. Ms. Cates moved Administration's recommendation be upheld on the remaining items on the Consent Agenda. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - THEOTECHNIA - APPROVED

This is an application for a masseuse license requiring City Council approval under City Code Section 12-2136. The applicant's name is Cassandra Maurer. She will be conducting her business at "Theotechnia" located at 3901 Barrett Drive.

The Police report indicates approval.

Recommendation: It is recommended that this business license be approved. Consent Agenda approval: Cates/Block - 8 ayes.

COMMUNITY DEVELOPMENT REHABILITATION SERVICES - CONTRACT WITH CITY REHABILITATION SERVICES - EXTENDED - FUNDS APPROPRIATED

The City has a contract with "City Rehabilitation Services" to provide rehabilitation specifications. It is desired that this agreement be extended to prepare approximately 28 sets of specifications.

Recommendation: That the professional services agreement with City Rehabilitation Services be extended to prepare approximately 28 additional sets of specifications at a cost of $9,000 and the Agenda outlined the appropriate transfer of funds. Consent Agenda approval: Cates/Block - 8 ayes. See Ordinance 420 TF 6.

YADKIN DRIVE BRIDGE REHABILITATION - CONTRACT WITH KIMLEY-HORN AND ASSOCIATES - INCREASED

The firm of Kimley-Horn and Associates has been retained to provide engineering services associated with demolition and replacement of several bridges. The funding for these bridges has been through the Federal Bridge Replacement Program. Because of the necessity to revise plans and specifications to meet the Federal requirements, an adjustment in the fee for design services is needed.

Recommendation: It is recommended that the contract for engineering services with Kimley-Horn be increased from $32,000 to $37,050. Sufficient funds are available. Consent Agenda approval: Cates/ Block - 8 ayes.

FALLS CHURCH/PORT ROYAL ROAD - VARIANCE IN ALIGNMENT - APPROVED

The existing grades on Falls Church Road and Port Royal Road to either side of the Sussex Place Subdivision are such that the streets cannot be connected with a vertical curvature which meets subdivision standards. The City Council may vary the standards when topography or other physical conditions cause an unusual hardship to a developer. A variance in this case will result in a slight sight distance reduction below normal requirements and will warrant special signs warning motorists of the condition.

Recommendation: That the City Council approve a variance to the vertical alignment standards for Falls Church Road/Port Royal Road in the Sussex Place Subdivision. Consent Agenda approval: Cates/ Block - 8 ayes.

FISCAL IMPACT EVALUATION SYSTEM - CONTRACT WITH TISCHLER AND ASSOCIATES - APPROVED

Following the authorization by the City Council on September 4, Administration has developed and negotiated a contract with the firm of Tischler and Associates, Inc., to establish a "fiscal impact evaluation system" for the City of Raleigh.

The contract is for an amount of up to $74,950 and is based on a fee for each task which is identified in the contract. A copy of the contract was in the Council Members' Agenda packet. Funds are appropriated in the budget and the projected completion is September, 1985.

Recommendation: That the contract with Tischler and Associates, Inc., be approved. Consent Agenda approval: Cates/Block - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON FIRST CONSIDERATION - TO BE PLACED ON OCTOBER 16, 1984, AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the October 16, 1984, Agenda for second and final consideration.

Archie Bond, Archie's Bus and Taxi Limousine Service (Franchise Renewal)

Apollo Ombajo, American Cab Company (Franchise Renewal)

Harry W. Griffin, American Cab Company (Renewal Individual Owner's Permit)

Loman Wilbur Murray, Jr., American Cab Company (Renewal Individual Owner's Permit)

Calvin Berry Bagwell, Raleigh Cab Company, D/B/A Safety Taxi Company (Franchise Renewal)

Silas Sills and Dennis Sills, Holiday Cab Company (Franchise Renewal)

James Odell Howard, Holiday Cab Company (Renewal Individual Owner's Permit)

Luther Norton, Airline Cab Company (Franchise Renewal)

Fred Swan, Sunrise Cab Company (Franchise Renewal)

Consent Agenda approval: Cates/Block - 8 ayes.

BUDGET AMENDMENT - COMMUNITY DEVELOPMENT DEPARTMENT - APPROVED

The Agenda presented a budget amendment in the amount of $137,500 in the Community Development Department to program funds for the CD Rental Rehabilitation Program, authorized by HUD, and approved by the City Council on September 4, 1984. Administration recommends approval. Consent Agenda approval: Cates/Block - 8 ayes.

ORDINANCE NO. (1984) 419

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to program funds for the CD Rental Rehabilitation Program, authorized by HUD and approved by the City Council on 9/4/84:

Revenue:	43-1-7000-0100	REHAB R-84-MC-37-0207	$137,500.00
Expense:	43-2-7000-0100	Rental Rehab Program	$137,500.00

Section 2. That the 1984/1985 Budget be amended to reflect agreement with EFH Grove Tower Associates for Benson Drive Construction as follows:

Revenue:	32-1-0070-0200	Misc. Income Increase	$ 90,000.00
Expense:	32-2-5031-0100	Benson Drive Increase	$ 90,000.00

Adopted: 10/2/84

CIVIC CENTER - CHANGE ORDERS APPROVED BY THE MANAGER - CONCURRED

The Agenda presented Change Order #CO771-G6 which is an addition of $702 with Security Building Company, Inc. Change Order #CO771-G5 which is an addition of $755 was also presented. Both change orders relate to the Civic Center toilets and storage additions. The Agenda outlined the reasons for the change orders and the budget accounts that have been amended. The change orders have been approved administratively according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Cates/Block - 8 ayes.

E. M. JOHNSON PLANT EXPANSION - CHANGE ORDER #G-8 - APPROVED - FUNDS APPROPRIATED

Change Order #G-8 relating to the E. M. Johnson plant expansion - Constructors, Inc., was presented. The change order is a deduction of $2,000. The Agenda outlined the reason for the change order and the budget accounts that should be amended. Administration recommends approval of the change order and transfer. Consent Agenda approval: Cates/Block - 8 ayes. See Ordinance 420 TF 6.

WS 1984-3 - CHANGE ORDER #1 - APPROVED - FUNDS APPROPRIATED.

Change Order #1 from R.G.K., Inc., relating to WS 1984-3 - U.S. #1 was presented. The change order is a deduction of $12,149.53. The Agenda outlined the reason for the change order and the budget accounts that need to be amended if the change order is approved. Administration recommends approval of the change order and transfers. Consent Agenda approval: Cates/Block - 8 ayes. See Ordinance 420 TF 6.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative change orders which have been approved according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval: Cates/Block - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-1240-0702	01-2-1240-0604	$ 49.00
01-2-3030-0234	01-2-3030-0704	49.00
19-2-8370-0700	19-2-8370-0231	400.00
19-2-8220-0534	19-2-8220-0101	750.00
19-2-8020-0534	19-2-8020-0992	350.00
01-2-1040-0001	01-2-1100-0701	71.00
19-2-8360-0534	19-2-8360-0700	400.00
06-2-7030-0243	06-2-7030-0776	100.00
02-2-2020-0231	02-2-2020-0101	14.57
06-2-7040-0704	06-2-7010-0731	950.00
01-2-5010-0235	01-2-5010-0700	421.00
01-2-5010-0226	01-2-5010-0700	250.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed various transfers within departments as listed with recommendations of approval. The Agenda outlined the code accounts and the reasons for the transfers. Administration recommends approval. Consent Agenda approval: Cates/Block - 8 ayes. See Ordinance 420 TF 6.

BID REQUEST 84-21 - REFUSE COLLECTION BODY - JOINT AWARD MADE TO SANCO CORPORATION AND KABCO, INCORPORATED

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 20, 1984, for refuse collection bodies with results as follows:

Item 1: 20 cubic yard rear loading body

Sanco Corporation	$13,494.00
Kabco Incorporated	14,075.00
Simpson Equipment Corp.	14,434.00
Quality Equipment and Supply	14,476.00
Commercial Body Corp.	15,731.25

RECOMMEND: SANCO CORPORATION

Item 2: 25 cubic yard rear loading body

Sanco Corporation	$14,572.00
Kabco Incorporated	14,975.00
Simpson Equipment Corp.	14,994.00
Quality Equipment and Supply	15,716.00
Commercial Body Corp.	16,351.25

RECOMMEND: SANCO CORPORATION

Item 3: 25 cubic yard front loading body

Kabco Incorporated	$23,690.00
Simpson Equipment Corp.	23,956.00
Suburban Sanitation	25,280.00
Quality Equipment and Supply	26,348.00
Commercial Body Corp.	30,138.25
Sanco Corporation	30,988.00

RECOMMEND: KABCO INCORPORATED

Item 4: 30 cubic yard front loading body

Kabco Incorporated	$24,465.00
Simpson Equipment Corp.	25,266.00
Quality Equipment and Supply	27,297.00
Suburban Sanitation	30,316.00
Commercial Body Corp.	31,068.25
Sanco Corporation	31,494.00

RECOMMEND: KABCO INCORPORATED

Recommendation: Administration recommends bids be awarded as outlined on each item. Consent Agenda approval: Cates/Block - 8 ayes.

BID REQUEST 84-21A - CAB AND CHASSIS FOR MOUNTING REFUSE LOADERS - BID AWARDED TO NORTH STATE FORD TRUCK SALES

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 20, 1984, for cab and chassis for mounting refuse bodies with results as follows:

CAB AND CHASSIS, 50,000 GVW

North State Ford Truck Sales	$43,153.00
Piedmont Ford Truck Sales	45,049.78
Cardinal International	46,409.85
Carolina Mack Sales	47,780.00

CAB AND CHASSIS, 56,000 GVW

North State Ford Truck Sales	$45,492.85
Piedmont Ford Truck Sales	47,183.53
Cardinal International	48,115.36
Carolina Mack Sales	48,844.00

Administration recommends the low bid submitted by North State Ford Truck Sales on each item be awarded. Consent Agenda approval: Cates/Block - 8 ayes.

BID REQUEST 84-24 - STORAGE BATTERIES - BID AWARDED TO NORTH STATE BATTERY COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 20, 1984, for a price agreement for storage batteries through June 30, 1985, with results as follows:

North State Battery Co. - $10,053.50; Quality Sales Co. - $10,207.75; Duty Tire and Muffler, Inc. - $10,498.44; First Choice Auto Parts - $10,500.51; Omni Battery Co. - $10,705.00. Administration recommends the low bid submitted by North State Battery Co. be awarded. Consent Agenda approval: Cates/Block - 8 ayes.

BID REQUEST 84-26 - COPPER TUBING - BID AWARDED TO FERGUSON ENTERPRISES

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on September 20, 1984, for copper tubing with results as follows: Ferguson Enterprises - $11,700.00; Dillon Supply Co. - $12,042.00; PYCO Supply Co. - $12,450.00; Noland Co. - $13,006.50. Administration recommends the low bid submitted by Ferguson Enterprises be awarded. Consent Agenda approval: Cates/Block - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda presented recommended changes in the Traffic Code relating to loading zone removal/no parking installation on Hargett Street and school zone on Jeffries School Road with recommendation of approval. Consent Agenda approval: Cates/Block - 8 ayes.

ORDINANCE NO. (1984) 421

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule 5b1 entitled "25 MPH SCHOOL SPEED ZONE" be amended by adding the following:

Jeffries School Road, north end, from Creedmoor Road to a point 500 feet north of Ponderosa Drive

Section 2. That Traffic Schedule 13 entitled "NO PARKING ZONE" be amended by adding the following:

Hargett Street, north side, beginning at a point 487 feet west of West Street, westward 50 feet

Section 3. That Traffic Schedule 17 entitled "LOADING ZONE" be amended by deleting the following:

Hargett Street, north side, beginning a a point 487 feet west of West Street, westward 50 feet

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective October 9, 1984.

Adopted: 10/2/84

Effective: 10/9/84

END OF THE CONSENT AGENDA

SPECIAL POPULATIONS PROGRAM - GRANT ACCEPTED - BUDGET AUTHORIZED

The Wake County Mental Health System has allocated $68,447 for support of the City's Special Populations Program Budget in 1984-85. This grant had been anticipated in the approved budget.

Recommendation: That the Council accept this grant and establish the following budget:

Revenues:		
02-1-6700-0100	AMH-Wake County	$68,447.00
02-1-6700-0101	Special Populations-City	21,040.00
	Total	$89,487.00
Expenditures:		
02-2-6700-0000	AMH-Special Populations	-0-
02-2-6700-0100	Salaries	$68,281.00
02-2-6700-0101	Fringe Benefits	9,652.00
02-2-6700-0200	Audit	375.00

02-2-6700-0213	Reg. & Subscriptions	375.00
02-2-6700-0225	Repairs Buildings & Grounds	600.00
02-2-6700-0226	Repairs Office Equip.	150.00
02-2-6700-0228	Telephone & Telegraph	75.00
02-2-6700-0230	Vehicle M&O	5,125.00
02-2-6700-0231	Travel	175.00
02-2-6700-0237	Car/Bus Rental	2,805.00
02-2-6700-0240	Photo and Printing	412.00
02-2-6700-0260	Office & Other Supplies	900.00
02-2-6700-0265	Athletic Supplies	225.00
02-2-6700-0266	Insurance & Bonding	337.00
	Total	$89,487.00

Ms. Cates indicated she had requested this item be removed from the Consent Agenda questioning what is meant by "Special Populations." City Manager Benton indicated this addresses the Special Populations Program managed by the Parks and Recreation Department. He indicated traditionally, this is a program to serve the mentally or physically disabled. Ms. Cates indicated she had understood that there is some problem with the use of the word "handicapped" and wondered if this is why it is called Special Populations with City Manager Benton indicating it has been referred to as Special Populations Program by the City for a number of years. Ms. Cates moved approval of the recommendation as outlined. Her motion was seconded by Ms. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 418

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to reflect allocation from the Wake County Mental Health System for support of the City's Special Populations Program:

Revenues:			
02-1-6700-0100	AMH-Wake County		$68,447.00
02-1-6700-0101	Special Populations-City		21,040.00
		Total	$89,487.00
Expenditures:			
02-2-6700-0000	AMH-Special Pop.		$ -0-
02-2-6700-0100	Salaries		68,281.00
02-2-6700-0101	Fringe Benefits		9,652.00
02-2-6700-0200	Audit		375.00
02-2-6700-0214	Reg. & Subscription		375.00
02-2-6700-0225	Repairs Buildings & Grounds		600.00
02-2-6700-0226	Repairs Office Equip.		150.00
02-2-6700-0228	Telephones & Telegraph		75.00
02-2-6700-0230	Vehicle M&O		5,125.00
02-2-6700-0231	Travel		175.00
02-2-6700-0237	Car/Bus Rental		2,805.00
02-2-6700-0240	Photo & Printing		412.00
02-2-6700-0260	Office & Other Supplies		900.00
02-2-6700-0265	Athletic Supplies		225.00
02-2-6700-0266	Insurance & Bonding		337.00
			$89,487.00

Adopted: 10/2/84

TRAFFIC - EXTENSION OF SCHOOL ZONE ON LYNN ROAD - REFERRED TO THE PUBLIC WORKS COMMITTEE

The Department of Transportation recommends that the existing 35 mph school zone on Lynn Road from Lead Mine Road to Ben Bur Drive be extended westward to Valley Estates Drive. This school zone was not added to the Traffic Schedule when annexed into the City. Concurrence to this change has been received from the North Carolina Department of Transportation.

This recommendation is necessary in order to accommodate current school pedestrian activity adjacent to Lynn Road generated by Lynn Road Elementary School.

Ms. Block pointed out she requested that the item be withdrawn from the Consent Agenda pointing out this relates to a school zone with a 35 mile per hour speed. She stated, however, another item on the Agenda referred to a school zone being 25 miles per hour. She questioned the difference with City Manager Benton indicating he could not explain and without objection, the matter was referred to Public Works Committee for further consideration.

SPECIAL ITEMS

REZONING Z-74-84 - GLENWOOD AVENUE - PLANNING COMMISSION'S RECOMMENDATION UPHELD

During the September 18, 1984, Council Meeting, by split vote, the Public Works Committee recommended denial of this rezoning request. A substitute motion was adopted that this item be placed on this Agenda for consideration.

Ms. Cates moved that the Public Works Committee's recommendation to deny this request be upheld. Her motion was seconded by Ms. Block and put to a vote with results as follows: ayes - Block, Cates; noes - Upchurch, Walters, Babb, Calloway, Congleton, Keller. The Mayor ruled the motion defeated. Mr. Congleton moved the Planning Commission's recommendation be upheld, (that the request to rezone the property of the Masonic Lodge (Parcel 217, Map 463) be denied (remain Residential-20), that the portion currently zoned R-6 be denied (remain R-6), that the portion currently zoned Residential-4 be rezoned to Residential-6 and that a 10 foot Conservation/Buffer be rezoned along Glenwood Avenue, Edenburgh Road and the residential properties to the south). His motion was seconded by Ms. Babb. Ms. Cates indicated most everyone is in agreement that Residential-6 would be acceptable for this property, however, the petitioners have no intention of developing the property Residential-6. She indicated she would like the record to show that it is the City Council's feeling that this property should be developed Residential-6. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

REZONING Z-81-84 - JONES FRANKLIN ROAD - REZONED TO OFFICE AND INSTITUTION-I

During the September 18, 1984, Council Meeting, it was recommended that this item be placed on this Agenda for further consideration. Mr. Keller indicated there has been some serious reservations about this request, however, he feels that there will be a proposed text change coming up later in the meeting that will help take care of this problem, therefore, on this particular case, he would move that the property covered by application Z-81-84 be rezoned to Office and Institution-I. His motion was seconded by Mr. Calloway. Ms. Block indicated she has a great deal of concern about this case as it relates to traffic and she still has those same concerns. She stated with approval of this rezoning, she feels that we have to have a four lane road in this area. Mayor Upchurch explained surrounding development and the motion as stated was put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

REZONING Z-58-84 - REQUEST FOR WAIVER - DENIED

This was a request that the two-year waiting period on a portion of rezoning application Z-58-84 be waived. CR-5247 from the Planning Commission recommended that this request be denied. The action of Council was to direct that the item be placed on this Agenda for further consideration.

Mr. Keller moved that the request for waiver be denied. He indicated if we start making a practice of waiving after a case is approved, then he feels that this would only open Pandora's box. His motion was seconded by Mr. Walters. Ms. Cates indicated she had felt that negotiations were under way that might have resolved this question but she finds that those negotiations have ceased without any solution. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be considered in the same manner as the regular Consent Agenda. He pointed out items marked with one asterisk beside the Certified Recommendation mean that those properties are located within flood prone areas. Items marked with two asterisks beside the Certified Recommendation mean that those properties are located within Falls Basin. Mr. Walters requested that CR-5267 (Z-118-84) be withdrawn. Ms. Block requested that CR-5255 (S-148-84) and CR-5258 (PA-261) be withdrawn. Ms. Cates indicated there are some items in the flood plain areas and she would ask if the staff and Planning Commission looked at each of these cases and are satisfied that the City and the property is protected as it relates to flooding. Chairman McNeely indicated the Planning Commission did look at all cases that involved flood way, flood fringe or any area in the flood boundaries and also questioned staff and there were no questions raised. Mr. Congleton moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-140-84 - VILLAGE-ON-THE-GREEN REVISION - APPROVED WITH CONDITION

This was a request for approval to revise the unit locations on two lots (O and U) - Lot O approved as a quadraplex, now shown as a triplex, and Lot U approved as a duplex, now shown as a triplex. The revision does not increase the unit count. The site is zoned Residential-4, is 56.45 acres in size, and is developing as a Planned Unit Development.

The property is located on the north side of Lynn Road, just east of Lead Mine Road, inside the City Limits.

CR-5254 from the Planning Commission recommended that this request be approved according to a map entitled, "Village-on-the-Green Revision," the property of Paragon Development Company, drawn by John A. Edwards and Company, dated August 14, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Congleton/Keller - 8 ayes.

SUBDIVISION S-151-84 - LUTHER S. FAISON PROPERTY - APPROVED

This was a request for approval to subdivide a 7.28 acre tract, zoned Residential-4, into three parcels. The site is developed with a house.

The property is located on the west side of Southall Road, just north of Fallbrook Lane, outside the City Limits.

CR-5256 from the Planning Commission recommended that this request be approved according to a map entitled, "Luther S. Faison Property," the property of Luther S. Faison, drawn by Williams and Pearce, dated September 20, 1984. Consent Agenda approval: Congleton/Keller - 8 ayes.

SUBDIVISION S-166-84 - PINE RIDGE REVISIONS - APPROVED WITH CONDITION

This was a request for approval to revise the unit layouts on Lots 107-149 of a 19.7 acre tract, zoned Residential-1. The previously approved plan was for 159 units and the unit count will remain the same.

The property is located on the north side of New Hope Church Road and east of Northshore Subdivision and Comstock Road, inside the City Limits.

CR-5257 from the Planning Commission recommended that this request be approved according to a map entitled, "Pine Ridge Revisions," the property of John R. Adams, drawn by John A. Edwards and Company, dated August 7, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Congleton/Keller - 8 ayes.

TC-274 - SOIL EROSION ENFORCEMENT - APPROVED - ORDINANCE ADOPTED

This was a request for approval to amend Section 10-5013 involving enforcement of Chapter 5, Soil Erosion and Sedimentation Control, to require that notification or violations of this section of the Code be made by registered mail or by certified mail return receipt requested.

CR-5259 from the Planning Commission recommended that TC-274 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes.

ORDINANCE NO. (1984) 423 TC 223

AN ORDINANCE TO PERMIT NOTICE OF SEDIMENTATION CONTROL VIOLATIONS BY CERTIFIED MAIL

WHEREAS, North Carolina Administrative Code Title 15 Subchapter 4C Section .0007 allows notice of violations of soil erosion to be given by certified mail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA that

Section 1. The second sentence of Section 10-5013(a)(1) of the Raleigh City Code is hereby amended to add immediately after the words "registered mail" the following words "or certified mail return receipt requested".

Section 2. This ordinance shall become effective following its approval by the North Carolina Sedimentation Control Commission.

Section 3. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Adopted: 10/2/85

Effective: See Section 2

REZONING Z-80-84 - JONES FRANKLIN ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 4.1 acres from Office and Institution-I to Office and Institution-II.

CR-5261 from the Planning Commission recommended that Z-80-84 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 422 ZC 147.

REZONING Z-105-84 - OBERLIN ROAD - DENIED

This was a request for approval to rezone approximately 9,223 square feet from Residential-6 to Buffer Commercial or Office and Institution-I.

CR-5262 from the Planning Commission recommended that Z-105-84 be denied. Consent Agenda approval: Congleton/Keller - 8 ayes.

REZONING Z-106-84 - EBENEZER CHURCH ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 1.2 acres from Residential-4 to Residential-10.

CR-5263 from the Planning Commission recommended that Z-106-84 be approved as amended; that is, that the property contained in Z-106-84 be rezoned to Residential-10 as requested with a five foot Conservation/Buffer along Arden Circle and Ebenezer Church Road. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 422 ZC 147.

REZONING Z-108-84 - OAK PARK ROAD - REZONED TO BUFFER COMMERCIAL - ORDINANCE ADOPTED

This was a request to rezone approximately 12,000 square feet from Office and Institution-I to Shopping Center or Buffer Commercial.

CR-5264 from the Planning Commission recommended that the property contained in Z-108-84 be rezoned to Buffer Commercial. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 422 ZC 147.

REZONING Z-109-84 - LAKE LYNN - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 3.25 acres from Residential-10 to Conservation/Buffer.

CR-5265 from the Planning Commission recommended that Z-109-84 be approved as requested. Consent Agenda approval: Congleton/Keller - 8 ayes. See Ordinance 422 ZC 147.

REZONING Z-114-84 - FALLS OF NEUSE ROAD - DENIED

This was a request for approval to rezone approximately two acres from Office and Institution-III to Office and Institution-I and Conservation/Buffer (a proposed 20-foot wide strip along the south side of the property).

CR-5266 from the Planning Commission recommended that Z-114-84 be denied. Consent Agenda approval: Congleton/Keller - 8 ayes.

REZONING Z-120-84 - DOWLING ROAD - DENIED

This was a request for approval to rezone approximately 8.4 acres from Residential-6 to Residential-20.

CR-5269 from the Planning Commission recommended that Z-120-84 be denied. Consent Agenda approval: Congleton/Keller - 8 ayes.

REZONING Z-127-84 - BASHFORD ROAD - DENIED

This was a request for approval to rezone approximately 45.7 acres from Residential-4 and Residential-6 to Residential-10.

CR-5273 from the Planning Commission recommended that Z-127-84 be denied. Consent Agenda approval: Congleton/Keller - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-148-84 - INVERRARY IV REVISIONS - APPROVED

This was a request for approval to revise the lot layout of Parcels 6, 7, and 8 of a previously approved plan. The total subdivision consisted of 10.3 acres, zoned Residential-4, divided into 12 single-family lots.

The property is located on the north end of Aurora Drive and along the east side of Litchford Road, outside the City Limits.

CR-5255 from the Planning Commission recommended that this request be approved according to a map entitled, "Inverrary IV Revisions," the property of John Prescott, drawn by Diaz-Seckinger and Associates, dated August 14, 1984.

Planning Director Chapman explained the subdivision request pointing out this is a revision to a previously approved subdivision, however, it carries the same type conditions that were previously applied to this property. In response to questioning, he indicated it does still have two panhandled lots. Ms. Block questioned if it is the Planning Department's opinion that this is the only access questioning if the access could not be provided on Litchford Road. Chairman McNeely explained the discussions in the Planning Commission on this item pointing out the topography in the area is very unusual. He stated they looked at the possibility of access onto Litchford Road but they felt that that would possibly cause a short cut for traffic. After other discussion on the size of the lots, access, etc., Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-261 - LAKE JOHNSON POOL COMPLEX - APPROVED

This was a request for approval to construct a public swimming pool facility on 50+ acres, zoned Conservation/Buffer. The facility consists of two pools (plus one alternate diving pool) and a bathhouse.

The property is located on the northeast side of Lake Johnson, adjacent to the Athens High School baseball field, inside the City Limits.

CR-5258 from the Planning Commission recommended that the request be approved according to a map entitled, "Lake Johnson Pool Complex," the property of the City of Raleigh, drawn by George M. Smart, Architects, Incorporated, dated August 22, 1984.

Ms. Block indicated she pulled this from the Consent Agenda indicating she could not determine from the maps in the Agenda packets where the access for this property is. Planning Director Chapman explained the access pointing out it is on the west side of the baseball field. Ms. Block questioned the paving of the streets with City Manager Benton indicating he did not recall. He stated we do have an agreement between the City and schools, however, he does not recall how the paving question has been resolved. Ms. Block moved the Planning Commission's recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-118-84 - NEW BERN AVENUE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one-half acre from Residential-10 to Office and Institution-I.

CR-5267 from the Planning Commission recommended that Z-118-84 be approved as requested.

Mr. Walters indicated there was no opposition at the public hearing on this matter. He pointed out he has concern in that the City posted the rezoning sign on the wrong piece of property and the maps included were wrong also. He stated, however, as he understands it, the case was explained correctly, the right property owners notified and it was advertised correctly, therefore, he would move approval of the Planning Commission's recommendation. His motion was seconded by Mr. Calloway. Ms. Block indicated she has a problem with the rezoning pointing out in her opinion, it is spot zoning. She explained the surrounding uses and zoning. The motion as stated was put to a vote which resulted in all members voting in affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

REZONING Z-125-84 - CHAPPEL DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately one acre from Residential-10 to Residential-15 (40,600 square feet) and Conservation/Buffer (2,900 square feet). The Conservation/Buffer request is located in the southwest corner of the lot.

CR-5272 from the Planning Commission recommended that Z-125-84 be approved as requested.

Planning Director Chapman explained the requested rezoning. Chairman McNeely indicated the Planning Commission felt that this was a clean-up rezoning and the rezoning would allow no more units than is presently constructed. He pointed out this property was developed under a GHE. Mr. Keller explained he has problems in that this creates a little finger of Residential-15 in the midst of Residential-10 zoning. He stated he had never understood why the Council had to rezone property to make it conform pointing out he just does not like this approach. Ms. Cates pointed out the alternative would be to go to the Board of Adjustment. Chairman McNeely indicated the City approved a GHE on this property and the developers complied with the zoning as approved by the City, however, the GHE was ruled invalid and the Planning Commission felt that there is some burden on the part of the City to help these people who developed in compliance with the law of the City. Ms. Babb pointed out everyone is concerned about extending into residential areas but she, too, feels that the City has an ethical obligation to not penalize people for doing what the City said was right and developing in accordance with the law. She explained the developer and/or property owner had no control over the fact that the GHE was ruled

invalid. Ms. Babb moved the Planning Commission's recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

SUBDIVISION S-135-84 - OLIVER WOODS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 5.8 acre tract, zoned Residential-4, into 15 single-family lots. The site is developed with a house which will remain on one of the lots.

The property is located on the east side of Lake Boone Trail, just north of Cambridge Road, inside the City Limits.

CR-5253 from the Planning Commission recommended that this request be approved according to a map entitled, "Oliver Woods," the property of Steve Johnson, drawn by J. Fred Davis, Incorporated, dated September 18, 1984.

Planning Director Chapman explained the subdivision request. Chairman McNeely pointed out two of the Planning Commission Members at one time lived in this neighborhood and they, too, were concerned about the site and sight distance. Ms. Cates pointed out she, too, is concerned about the development of this tract as well as the Lake Boone tract and what impact the development of these two areas will have on adjacent property owners. She stated she would like to know how this construction would alter the flow of water. She stated she had talked to the owner of the land and he is agreeable to this going to Committee. She pointed out the owner of the property has a letter from the Corps of Engineers and she would like for this to go to Committee and have our Conservation Engineering staff to look at the letter from the Corps of Engineers and advise the Committee. Without objection, S-135-84 was referred to Public Works Committee.

REZONING Z-71-83 - FOX ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 100 acres from Residential-1 to Residential-10.

CR-5260 from the Planning Commission recommended that Z-71-83 be approved as requested.

Planning Director Chapman explained the request and the Planning Commission's recommendation. Mr. Walters indicated that this is an old case and everybody had been holding off until we could find something out about the sewer for this area. He pointed out when this came into the City's ETJ in the '70's, everything was zoned Residential-1. He stated since we have information about the sewer, he would move approval of the Planning Commission's recommendation. His motion was seconded by Ms. Cates.

Ms. Block pointed out this case is almost two years old and it seemed to her that there have been some recent changes and rezoning in this area. Planning Director Chapman explained surrounding rezonings that have occurred recently. Ms. Block indicated in the past, the Council always had a map on the wall that would show rezoning of the City. She stated she felt it would be helpful if at each Council Meeting in which rezonings are being considered, there could be an area map, say of one-fourth of the City, so that the Council could see the whole picture rather than just the small area surrounding a rezoning. She stated she is becoming very concerned about the northeast area pointing out our transportation system as well as other infrastructure will be affected by these rezonings. Mr. Walters indicated he, too, is concerned about the development in the northeast. Ms. Cates pointed out she feels the Department of Transportation should start looking at Fox Road as far as improvements are concerned. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

REZONING Z-119-84 - NEW BERN AVENUE - DENIED

This was a request for approval to rezone approximately 1.6 acres from Office and Institution-I to Shopping Center.

CR-5268 from the Planning Commission recommended that Z-119-84 be approved as requested.

Planning Director Chapman explained the rezoning. Chairman McNeely explained the Planning Commission's recommendation pointing out they felt that the size of the request had something to do with the Planning Commission's recommendation. Mr. Walters pointed out Office and Institution zoning was placed on this property as a buffer between the shopping center and the residential area and he feels it should remain, therefore, he would move that Z-119-84 be denied. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-121-84 - ROCK QUARRY ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 2.2 acres from Residential-10 to Neighborhood Business.

CR-5270 from the Planning Commission recommended that Z-121-84 be approved as requested.

Planning Director Chapman explained the request. Chairman McNeely explained the Planning Commission's recommendation pointing out there is a nightclub on the corner property and the only access is through a residential neighborhood, therefore, it is hoped that if this rezoning is approved, that would help eliminate the traffic from the nightclub going through a residential section. Mayor Upchurch questioned if the Planning Commission looked at the entire corner and feels that that entire corner is a Neighborhood Business area. This was discussed briefly, after which Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Keller. Ms. Block pointed out there was a request to remove one lot from this rezoning request with Mr. Calloway indicating his motion is to approve the rezoning in its entirety. Brief discussion took place relative to access, after which the motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

REZONING Z-122-84 - SANDERFORD ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 7.03 acres from Residential-6 to Residential-10.

CR-5271 from the Planning Commission recommended that Z-122-84 be approved as requested.

Planning Director Chapman explained the requested rezoning and Chairman McNeely explained the Planning Commission's recommendation. Mr. Calloway moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 422 ZC 147.

COMMITTEES, COMMISSIONS, AND BOARDS

ARTS COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Jay Eaker. Nominations include Trish Kaasa and Fran Ashford. Nominations have not been closed. Mr. Keller nominated Nancy N. Lambert. No further action was taken.

HOUSING AUTHORITY - HAROLD WEBB REAPPOINTED

The Clerk announced the term of Harold Webb expires November 2. He has been nominated for reappointment. Nominations have not been closed. There being no further nominations, Mr. Calloway moved that nominations be closed and Mr. Webb reappointed by acclamation. His motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor announced the reappointment of Harold Webb to the Housing Authority.

YOUTH COUNCIL ADVISORY BOARD - NOMINATIONS MADE

The Clerk reported one vacancy due to the resignation of Betty Jo Kendall. No nominations have been made. Ms. Cates nominated Patty Watson. No further action was taken.

PARKS AND RECREATION ADVISORY BOARD - NOMINATIONS MADE

The Clerk reported the terms of Carole Sawicki and James M. Tanner expire November 16. Both are eligible for reappointment and have excellent attendance records. No nominations have been made. Ms. Cates nominated Ms. Sawicki. Mr. Congleton nominated Mr. Tanner. No further action was taken.

DOWNTOWN ADVISORY COMMITTEE - NOMINATIONS MADE

The City Clerk reported a vacancy due to the resignation of Bernie Reeves. No nominations have been made. Mr. Walters nominated Jimmy Edwards. Ms. Cates nominated Pam Michaels. No further action was taken.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

REZONING Z-90-84 - FALLS OF NEUSE ROAD - FAILED

Mr. Keller reported by split vote, the Law and Finance Committee recommends approval of the rezoning of property covered by Application Z-90-84 to Office and Institution-III, as requested, and denial of the request for rezoning the back portion of the property to Residential-6. Planning Director Chapman explained the requested rezoning and the recommendation of the Law and Finance Committee. Mayor Upchurch indicated as he understands it, if the property is developed at its present R-4, then the pond would be drained, however, the Council had no control over that. Mr. Congleton indicated this case as submitted, he was opposed to. He pointed out adjacent property owners filed a valid protest petition. He explained he had met with the neighborhood and as of this time, the neighborhood is somewhat split in their opinion of how this property should be developed. Some feel that Residential-4 is better and others feel the Residential-6 would be better to maintain the pond. He

stated the general feeling of almost everyone is that the O&I-III proposal on the front gives them no problem. He pointed out the situation has to be looked at from the layout of the land and explained that a road has to come through the front portion of the property to serve the back portion and that will take up a considerable amount of land. Mr. Keller indicated he could see both sides but at the same time, he feels that this rezoning is a little premature as there will be a major realignment of Falls of Neuse and Strickland and he feels when that occurs, then this property should be looked at. The motion was put to a vote with results as follows: ayes - Babb, Calloway, Cates, Congleton, Walters; noes - Block, Keller, Upchurch. It was pointed out there was a valid protest petition on this case, therefore, six votes would be required to pass the rezoning. As the motion received only five votes, the Mayor ruled the motion defeated and the request denied.

REZONING Z-61-84 - CREEDMOOR ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

Mr. Keller reported by split vote, the Law and Finance Committee recommends that the Planning Commission's recommendation to rezone this property to O&I-III be upheld with the exception that the O&I-III zoning on the east side would stop at the proposed Lodestar Drive. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Congleton indicated he has problems with this rezoning pointing out he had some problems with the one on Falls of Neuse Road that would have had only one curb cut. He pointed out Creedmoor Road is a two lane road and this property is made up of several small parcels, therefore, there will be six to eight to ten different or potential curb cuts under the O&I-III zoning. He stated, therefore, he feels that the road will become more congested very fast and he feels that this proposed rezoning is an extension of the stripping of Creedmoor Road. He stated he feels that this proposed rezoning is premature. The motion as stated was put to a vote with results as follows: ayes - Upchurch, Walters, Babb, Calloway, Cates, Keller; noes - Congleton, Block. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 422 ZC 147

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Creedmoor Road, east and west sides, between Morgan's Way and Strickland Road, being Parcels 27-31, 37, 43 and portions of Parcels 13 and 33, Tax Map 301 rezoned to O&I-III with the exception that the O&I-III zoning on the east side will stop at proposed Lodestar Drive, according to a map on file in the City of Raleigh Planning Department. (Z-61-84)

(b) Fox Road, west side, between Spring Forest Road and U.S. 401 (Louisburg Road), being Parcel 15, Tax Map 355, rezoned to Residential-10. (Z-71-83)

(c) Glenwood Avenue, west side, between Edenburgh Road and Glen Eden Drive, being Parcel 575, Tax Map 463, rezoned to Residential-6 with a 10-foot Conservation/Buffer rezoned along Glenwood Avenue, Edenburgh Road and the residential properties to the south, according to a map on file in the City of Raleigh Planning Department. (Z-74-84)

(d) Jones Franklin Road, east side, just south of its intersection with U.S. 1 South (Beltline), being a portion of Parcel 307, Tax Map 575, rezoned to Office and Institution-II, according to map on file in the City of Raleigh Planning Department. (Z-80-84)

(e) Jones Franklin Road, west side, between U.S. 1 South (Beltline) and I-40 (North), being Parcels 18, 19, 24, 24 A-C, 42, 50-52, 85, and 387, Tax Map 575, rezoned to O&I-I. (Z-81-84)

(f) Ebenezer Church Road, south side, between Duraleigh Road and Arden Circle, being Parcel 17A, County Tax Map 432, rezoned to Residential-10 with a five foot Conservation/Buffer along Arden Circle and Ebenezer Church Road. (Z-106-84)

(g) Oak Park Road, west side, between U.S. 70 (Glenwood Avenue) and St. Giles Street, being Parcel 90, County Tax Map 377, rezoned to Buffer Commercial. (Z-108-84)

(h) Lake Lynn, west side, northeast of Leesville Road, being portions of Parcel 33, Tax Map 322, and Parcel 220, Tax Map 349, rezoned to Conservation/ Buffer, according to map on file in the City of Raleigh Planning Department. (Z-109-84)

(i) New Bern Avenue, north side, between Peartree Lane and Milburnie Road, opposite Luther Road, being Parcel 102, County Tax Map 526 rezoned to Office and Institution-I. (Z-118-84)

(j) Rock Quarry Road, east side, between the Beltline and Proctor Road, along the south side of Curtis Drive; being Parcels 9 and 10, County Tax Map 580, rezoned to Neighborhood Business. (Z-121-84)

(k) Sanderford Road, east side, between Rock Quarry Road and Creech Road, opposite Idlewood Drive, being Parcels 99 and 100, County Tax Map 633 rezoned to Residential-10. (Z-122-84)

(l) Chappell Drive, west side, between Avent Ferry Road and Broadwell Drive, being Parcel 30, County Tax Map 550, approximately 1 acre rezoned to Residential-15 (40,660 square feet) and Conservation/Buffer (2,900 square feet), according to map on file in the City of Raleigh Planning Department. (Z-125-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective October 2, 1984.

Adopted: 10/2/84

Effective: 10/2/84

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

STREET LIGHTING COST REDUCTION STUDY - PART I IMPLEMENTED; ADMINISTRATION TO PROVIDE COUNCIL MEMBERS WITH INFORMATION; ITEM RETAINED IN COMMITTEE

Ms. Block reported the Public Works Committee recommends removal of 104-21,000 lumen mercury vapor street lights as shown on the list included in Council Members' Agenda packet. The removal will result in an annual budget savings of $15,666 per year plus future rate increases. These removals represent Part I of the Street Light Cost Reduction Program. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Walters indicated this is a very good idea pointing out he suggested it some years ago. He stated, however, he would request that prior to lights in residential areas coming down, that the City Council Members be notified of the ones in their areas. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted and Administration was asked to provide Council Members with a list of lights in residential areas that are going to be removed. It was reported that the remainder of the item was retained in Committee for further work.

TC 260A - WATER SUPPLY FOR MOBILE HOME PARKS/GROUP HOUSING PROJECTS/MULTI-FAMILY DWELLING DEVELOPMENTS - APPROVED

Ms. Block pointed out the Public Works Committee recommends the approval of this ordinance which would require that all mobile home parks, group housing projects, and multi-family dwelling developments within the City's jurisdiction be connected to City water. A public hearing has been held on this ordinance change and the proposal has the Planning Commission's recommendation. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 424 TC 224

AN ORDINANCE RELATING TO WATER SUPPLY FOR MOBILE HOME PARKS, GROUP HOUSING PROJECTS, AND MULTI-FAMILY DWELLING DEVELOPMENTS CITY-WIDE

BE IT ORDAINED BY THE CITY COUNTY OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 10-2027(4)(e) of the Raleigh City Code relating to water supply for mobile home parks is hereby repealed, rewritten, and reenacted to read as follows:

"(e) Water supply. Each mobile home park shall obtain water from the utility system of the City.".

Section 2. Section 10-2027(4)(h) of the Raleigh City Code relating to fire protection in mobile home parks is repealed, rewritten, and reenacted to read as follows:

"(h) Fire protection

(1) Fire hydrants shall be spaced no greater than five hundred (500) feet apart, located adjacent to the street or drive. All portions of every mobile home shall be within a radius of three hundred fifty (350) feet from a fire hydrant.

(2) Fire hydrants must bee on a loop water system; however, a dead-end fire line shall be allowed up to eight hundred (800) feet in length.

(3) Fire lines must be constructed pursuant to Section 8-2007. The flow from a fire hydrant shall be a minimum of seven hundred fifty (750) gallons per minute (gpm) at twenty (20) psi residual for two continuous hours.".

Section 3. Section 10-2075(g)(3) relating to fire flow in group housing projects is hereby amended to insert after the word "residual" the following language "for two continuous hours".

Section 4. Section 10-2075 of the Raleigh City Code is hereby amended to add a new subsection, 10-2075(i), which shall read as follows:

"(i) Water supply. All group housing developments shall be connected to the City water utility system so that such developments will have sufficient fire protection.".

Section 5. Section 10-2075.1 of the Raleigh City Code relating to multi-family dwelling development standards is hereby amended to add a new subsection, 10-2075.1(e), which shall read as follows:

"(e) Each multi-family dwelling with six or more dwelling units shall be connected to the City water utility system.".

Section 6. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 7. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 8. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 9. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 10. This ordinance shall become effective five days following its adoption.

Adopted: 10/2/84

Effective: 10/7/84

DRAINAGE PROBLEM - VILLAGE-ON-THE-GREEN/MAGNOLIA RUN - REMOVED FROM THE AGENDA; INSPECTIONS TO REVIEW TO ASSURE COMPLIANCE

Ms. Block pointed out the Public Works Committee recommends removal of this item from the Agenda. The developer of Magnolia Run Subdivision is under court order to solve this drainage problem. The Inspections Department will be reviewing the solution to assure compliance with City regulations. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-134-84 - THORPSHIRE FARMS REVISED - APPROVED WITH CONDITIONS

Ms. Block reported the Public Works Committee recommends that this request be approved according to a map entitled, "Thorpshire Farms (Revised)," the property of CBS Development, drawn by John A. Edwards and Company, dated August 1, 1984, with the following conditions: (1) that the legal documents be revised to show the additional land and that these documents be reviewed and approved by the City Attorney's Office prior to recording any final plats; (2) that the developer conform to all standards set forth in the Perry Creek Development Policy; and (3) that a stormwater management plan and program be developed that would ensure that there would be a minimal adverse impact on downstream water quality and be approved by the City's Soil Conservation staff and the Planning Department, this being for only the addition. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

STREET IMPROVEMENTS - JOE LEWIS SUBDIVISION - REMOVED FROM THE AGENDA

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda pointing out Mr. and Mrs. Cross were advised of the petition process for street construction. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

UNIVERSITY LAND USE PLAN UPDATE - INFORMATION RECEIVED

Ms. Babb pointed out as a matter of information, the Comprehensive Planning Committee received Administration's recommendations on the University Land Use Plan. The item is being held in Committee and the Comprehensive Planning Advisory Group is to make comments on this proposal at the next Comprehensive Planning Committee Meeting. Ms. Babb indicated this plan is one that has been worked on over the past several months by the citizens and staff. The item was received as information without comment.

REPORT AND RECOMMENDATION OF THE DOWNTOWN COMMITTEE

CAPITAL PLANNING COMMISSION - MAYOR DESIGNATED AS CITY'S REPRESENTATIVE

Mayor Upchurch indicated the Downtown Committee recommends that the Mayor be designated the City of Raleigh's representative on the Capital Planning Commission. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOWNTOWN ADVISORY COMMITTEE - FRANK ANDERSON, JR., APPOINTED CHAIRPERSON; ADMINISTRATION DIRECTED TO RE-EXAMINE CHARGE TO THIS COMMITTEE

Mayor Upchurch indicated the Downtown Committee recommends that Frank Anderson, Jr., be appointed Chairman of the Downtown Advisory Committee and also recommends that Administration be directed to re-examine the charge to this Committee. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DOWNTOWN COMMITTEE - REGULAR MEETING TIME ESTABLISHED

Mayor Upchurch indicated as a matter of information, the Downtown Committee has scheduled regular meetings for the fourth Friday of each month at 9:30 a.m. He stated additional meetings may be held but this is a regular meeting time. The item was received as information without comment.

REPORT AND RECOMMENDATION OF THE PARKS AND RECREATION ADVISORY COMMITTEE

PARK LAND ACQUISITION - REPORT RECEIVED - REFERRED TO ADMINISTRATION

William R. Knight, representing the Parks and Recreation Advisory Board, was at the meeting and presented a prepared statement on the Board's discussions relating to park land acquisition. He presented the following priorities:

No. 1 Quadrant between Creedmoor Road and Highway 70 W., approximately 30 acres.
No. 2 Area of Marsh Creek Park off Highway 64 E. and east of New Hope Road, for a four-field complex.
No. 3 S. Saunders Street and Lake Wheeler Road. This area is being blocked off by the road system. He indicated the Eliza Poole site is for sale. Eleven acres in Fuller Heights Subdivision is available.
No. 4 Lake Johnson Area - looking for a four-field complex. This area will be quickly developed as a residential area.
No. 5 Pasture Lane - Spring Forest Road Ext., Louisburg Road area.
No. 6 Oak Park Area - The community is already annexed and an attempt should be made to get a neighborhood park in the area.
No. 7 Sanderford Road Area
No. 8 Poole Road Area

Mr. Knight explained each priority and John Hoppe, representing the Parks and Recreation Department, pointed out the locations on a map available at the meeting. Mr. Knight indicated in accordance with Council direction in the capital budget, these priorities reflect an opportunity for advanced acquisition. He explained the specifying of 30 acres of land reflects some immediate needs within the parks system for continued service. Ms. Block indicated some of these priorities are outside the City Limits and explained that the County is purchasing land for other cities in the County and maybe Raleigh should push for the County to buy some land for Raleigh. She suggested maybe the Intergovernmental Committee should pursue this. Mr. Knight indicated all of the priorities as outlined are within the City of Raleigh. Ms. Cates indicated she shares Ms. Block's concern but she understands that the County parks are not being programmed the way the City programs its parks. She indicated to her, it looked as if most of the priorities were within or very close to the City. She called attention to a letter submitted to the Council by Bernadine Weddington supporting priority No. 1. Ms. Babb called on the Council to think about what was done when the money was appropriated for land acquisition. She stated it was her impression that the Council asked Parks and Recreation to be looking for sites in the most rapid growing parts of the City, look at the Comprehensive Plan as to the desirability of where parks are needed and should go and bring information back to the Council. She indicated she feels that we need to pull out the minutes of the meeting in which the money was appropriated. She stated in addition, she would like to see some discussion, a narrative or a chart that compared the sites suggested by the staff versus those that are suggested in the Comprehensive Plan. Mr. Calloway indicated the information received in the Agenda packet listed five priorities,

however, the map had eight priorities with Mr. Knight indicating the Parks and Recreation Advisory Board listed eight priorities. Mr. Congleton stated he did not understand the City Council was asking for this at this time and he feels a little uncomfortable saying we are setting priorities. He indicated he thought that the Council set money aside to purchase land as it became available but he did not realize that staff would be bringing recommended priorities. Mr. Walters indicated he feels we should look at this in the same way we have looked at the Road Bond issue; that is, ask staff to give us some areas to study our needs but not give the Council a prioritized list. Ms. Cates indicated for clarification at a Parks Board Meeting, there was discussion about the $300,000 set aside for park land acquisition and there was discussion about who was going to be looking for land. She stated she had asked a number of times if the City had someone who actually went out to try to find available land, therefore, she suggested that the Parks and Recreation Advisory Board actively pursue available land. She indicated as she understand this, this is a recommendation from the Parks Board and she feels they have done a good job as they have looked at the whole City, the Comprehensive Plan, etc. She pointed out this is not staff's recommendation; it is a recommendation from the Parks Board. After brief discussion, by general consensus, it was agreed to refer this report to Administration to be considered along with the overall plans, Comprehensive Plan and needs in the City and forward a list to the Council with no priorities. Ms. Babb indicated she feels Administration and staff should go back to the original charge when the money was set aside and to look at the recommendations from the Parks Board in light of the Comprehensive Plan as well as needs of the City and feel free to make any other recommendations they so desire. Ms. Block pointed out the Real Estate Committee would also have to look at this because many of the locations may not be available. Mr. Walters pointed out that sometimes, he would like for the Parks and Recreation Advisory Board to look at all of the park names that show up in different plans to see if some of the names and locations are obsolete. He indicated one that comes to mind is Lockwood pointing out there is no such park as Lockwood. They are just names on the map. He stated if we are not going to have a park in a location, he feels that it should be scratched from the plans. After other discussion, the item was referred to Administration.

SHELLEY/SERTOMA PARK - INSTALLATION OF BASKETBALL SLAB - REFERRED TO LAW AND FINANCE COMMITTEE

William R. Knight, representing the Parks and Recreation Advisory Board, was at the meeting giving a history of the development of Shelley/Sertoma Park beginning with a community survey in '75-'76 and the approval of the master plan in January, 1977, which included, among other things, a tot lot, picnic shelter and basketball slab. He gave a chronological history of development at the park including recommendations from the Parks Board about the basketball slab. John Hoppe explained the five different alternative locations that have been considered for the basketball slab and the recommendation of the Parks and Recreation Advisory Board as well as the Master Plan Committee relating to the location. He indicated it is anticipated this basketball slab would cost about $10,000 and it would not be lighted. He pointed out bids have been received. Mr. Calloway indicated he understood a transfer of funds would be needed and he further understands that they would be transferred from unused funds at Worthdale Park. He indicated this concerns him and he would like for this matter to go to Law and Finance Committee to review the financing of the basketball slab. His motion was seconded by Mr. Congleton.

Mr. Congleton pointed out there are a lot of things involved in this issue. A lot of people have questions and there seems to be two groups of people arguing over what goes on at this park. He stated there have been false accusations about the District A Councilman not being open to listening as it relates to the park development. He stated he had only had three telephone calls on the whole issue. He stated he would like for this to be looked at in Committee and possibly, the Committee go out and hold a forum for citizens from the area and let the citizens tell the Committee what they are looking for and what they want for their park. He indicated the last time he saw the alternative locations map, there were only three recommendations. He stated in his opinion if we are going to have a slab and money is available, he feels that the location at the front of the park would be the most practical even though parking is not available nearby. He stated he did not understand having to have a basketball slab close to parking. He indicated he would like for Administration to give him a scenario of what has taken place on this item pointing out he keeps hearing all sorts of things such as this recommendation having been made to the City Council before, bids being received, etc., and this is the first time he has actually ever seen it at the Council level. Ms. Cates indicated the Parks Board and the Master Plan Committee have worked diligently on this. She stated she feels that the Council has had more documentation on the activity development of Shelley/ Sertoma Park than any other park. She stated the need for active recreation at Shelley/Sertoma has been documented and she felt that there has been an interest and determination in keeping this park as a passive recreational area but she feels it can be developed as a passive/active recreational area. She indicated she wanted to make sure that the needs of this area and other areas are met and she does not see boundary lines such as District A, etc. She looks at the needs for the whole City. She stated she is interested in seeing active recreation being established at Shelley/Sertoma and she doesn't see anything sacred about that land and she feels it should be developed. Carole Sawicki presented Council Members with copies of petitions indicating support for a basketball slab at Shelley/Sertoma Park. Mr. Congleton agreed that he saw no need to putting a fence around a district. He stated he is an advocate supporter of recreation and he is just concerned about the procedure that has been followed in this matter and he would like to see it discussed in Committee. Mr. Calloway amended his motion to refer the whole issue of a basketball

slab at Shelley/Sertoma Park and funding to the Law and Finance Committee. The amendment was accepted by Mr. Congleton and the amended motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

THE CITY COUNCIL TOOK A RECESS BETWEEN 3:00 AND 3:15 P.M.

REPORT AND RECOMMENDATION OF THE WORK SESSION

TELECOMMUNICATIONS COMMISSION BY-LAWS - DEFERRED UNTIL OCTOBER 16

Mayor Upchurch indicated without objection, he would ask that this item be held over until the next meeting in order to work out a few details. Without objection, the item was held until the October 16 meeting.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CAPITAL CITY TRAIL RUN - REQUEST FOR SUPPORT FROM THE CITY - DENIED

Last year, City Council authorized utilization of City streets to conduct the Capital City Trail Road Race; a 10 mile and a 5,000 meter race, which was co-sponsored by the North Carolina Road Runners Club and the First Federal Savings and Loan Association. This condition was granted based on the understanding that the sponsors would employ 34 off-duty police officers, one police supervisor, provide personnel in uniform with the traffic vest for non-critical locations, furnish all necessary traffic cones and/or barricades. Further, the City Council agreed to help underwrite half of the cost for policing the race cost which totalled $1,080.

On May 15, 1984, the City Council authorized the use of City streets to conduct the 10 mile and a 5,000 meter race on October 20, 1984. This race will follow essentially the same route as last year in that, it will begin at the State Capitol, follow Hillsborough Street to Dixie Trail to Wade Avenue to Faircloth, through Meredith College along Clark Avenue, Peace College , Halifax, the Oakwood section and return to the Capitol by way of Blount Street. The Police Department has no objection to this race being conducted as planned, provided the sponsors employ 34 off-duty police officers and two supervisors for intersection and point control. The sponsors have been advised that those police personnel would cost $1,368.

This year the sponsors are again requesting that the City Council absorb all or some of the cost of policing this year's race.

Recommendation: That the City Council decline to fund the cost of the police support. This recommendation is based on the assessment that the support for last year was intended to introduce the public to the Capital City Trail and was not intended to be continued on an annual basis. Ms. Block moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET BOND REFERENDUM - BOND ORDER INTRODUCED PUBLIC HEARING AUTHORIZED RESOLUTION OF CLARIFICATION - ADOPTED

To comply with the statutory requirements for the bond referendum, it is necessary that the bond order authorizing the issuance of $20,000,000 street bonds be introduced at this meeting and that the Council call the requisite public hearing on this order for its meeting on October 16, 1984.

During the public discussions of the bond referendum, questions have been raised about whether the various projects which have been identified represented firm commitments. It is felt that the Council and Administration consider the projects to be general indicators of problem areas and potential solutions. Included in the Council Members' Agenda for consideration was a proposed resolution which clarifies this question.

Recommendation: That the Council approve the introduction of the bond order, authorize a public hearing on the bond order for October 16, 1984, and approve the proposed Resolution of Clarification on the projects. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 622

WHEREAS, the City of Raleigh is considering a major streets construction program to improve the movement of traffic in the City; and

WHEREAS, the City Council has submitted to the residents of the City a $20,000,000 bond referendum to aid in the financing of these street projects, and

WHEREAS, the city Council desires to assure the citizens of Raleigh of its intent to be deliberate in its decisions on streets projects to be funded and construction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the projects identified in the process of developing the $20,000,000 bond referendum are intended to meet the general objectives of improving traffic flow along various transportation corridors;

Section 2. That prior to the City commencing construction on any such projects, the City will thoroughly review the traffic problems and feasible alternatives and will provide for public input on each project.

Adopted: 10/2/84

RESOLUTION NO. (1984) 627

WHEREAS, the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF $20,000,000 STREET AND SIDEWALK BONDS OF THE CITY OF RALEIGH", has been introduced at the meeting of the City Council held on October 2, 1984 and the Council desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Raleigh, as follows;

(1) The public hearing upon said bond order shall be held on the 16th day of October, 1984 at 1:00 o'clock, P.M., at 222 West Hargett Street, in Raleigh, North Carolina.

(2) The City Clerk is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days prior to such public hearing.

(3) The City's FInance Officer is hereby directed to file with the City Clerk, prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the City and the net debt of the City. The motion was seconded by Ms. Babb and was adopted by the following vote:

Mayor Upchurch indicated when this item was discussed with the Five Points CAC, they voiced concerns relative to the proposal relating to Anderson Drive area. He stated he felt that a copy of the Resolution of Clarification on the projects to be included in the Street Bond Referendum should be sent to the Five Points CAC to answer their concerns. Ms. Babb moved the Mayor's recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

FLETCHER PARK MASTER PLAN - REFERRED TO OCTOBER WORK SESSION

On September 4, 1984, the Parks and Recreation Advisory Committee submitted the proposed master plan for Fletcher Park. The Council referred the plan to Administration for its recommendation. After a final review of the proposed master plan, the following evaluations are made:

(1) The overall design concept and the provisions for outdoor uses are excellent and should be approved as a plan to guide park development.

(2) The recommendation to not include a swimming pool is appropriate because of the limitations and character of the site.

(3) Several potential uses for existing buildings have been identified; but the needs, feasibility, and methods of accomplishment have not been sufficiently assessed to determine a long-range building use program appropriate for approval in the master plan.

The adoption of a master plan establishes a level of expectations from the community concerning the development and use of the park. This site is unique in many ways, especially with the existing structures.

The current five year Capital Improvements Plan includes for this park:

$750,000 for a pool in 1985-86;
$100,000 for general improvements in 1988-89

These are relatively limited resources for making any major improvements at this site. If the buildings are to be retained, they will require substantial funding for major repairs.

Recommendation:

(1) Approval of the overall design concept is recommended including the character and location of tennis courts, basketball courts, softball fields, picnic areas, informal performing arts areas, festival/exhibit plaza, parking, pathways, and landscaping. This will provide an interim master plan to guide the development of outdoor facilities and to serve as the plan until a definitive building use plan is developed. The documentation of the interim plan should identify all existing buildings without indications of proposed uses.

(2) It is recommended that previous Council action which identifies Fletcher Park as a future pool site in the Capital Improvements Program be rescinded and that the Council defer the question of constructing the sixth pool to the 1985 Capital Improvements Program development process and specifically request the Parks and Recreation Advisory Committee and Administration to carefully re-evaluate the need for the sixth pool.

(3) It is recommended that the development of a plan for the use of existing buildings at Fletcher Park be referred to a Council committee. Considerations should include potential interim uses and immediate needs for building stabilization to prevent deterioration, as well as the development of a long-range plan.

The existing buildings and campus-like setting present an unusual challenge to develop a special usage program which is different from conventional City programs. Program needs should be carefully assessed. Overlap or conflict with other City programs such as arts programs is an important consideration. Financial feasibility is an important consideration because building renovation costs may exceed one million dollars and annual operating costs for indoor programs can be substantial.

The potential involvement, both financial and programmatic, of external organizations should be explored. The effort to determine appropriate building uses should fully evaluate the potential uses indicated by the Parks and Recreation Advisory Board. It should also consider unusual possibilities such as a meeting facility which provides overnight accommodations or a special cultural enrichment center.

Ms. Cates indicated she appreciates what the City Manager is saying and understands his recommendation. She pointed out, however, she could think of three different studies that are being conducted now that will relate to this park somewhat, referring to the arts study, the study on the use and maintenance cost of pool operation and the maintenance and restoration cost of the buildings at Fletcher Park. Se indicated in addition, the Real Estate Committee is looking at the possibility of purchasing additional property adjacent to this park, therefore, she would request that this item be sent to Work Session so that the Council could look at these studies when they become available. Mayor Upchurch stated without objection, he would refer this to Work Session pointing out it could be scheduled for the October Work Session. Ms. Babb indicated she had no real objection but she feels that Administration pretty much says let's go with this plan as an interim measure and defer the use of the buildings until a later date. She stated she thought the recommendation was pretty clear cut. Without objection, the item was referred to Work Session.

DOWNTOWN LOAN POOL - MODIFICATIONS TO PROGRAM - APPROVED

The Downtown Loan Pool Program has been functioning for approximately two years. The Community Development staff has reviewed the loan pool concept with the involved banks. As a result, a proposal is submitted to modify this program. Included in the Council Members' Agenda packet was a report on this item.

Recommendation: That the City Council approve the modifications to the Loan Pool Program and allow the City Administration to deal with the banks on a one-on-one basis and outside the formal banks pool until such time as the banks request reactivation of the formal loan pool.

Brief discussion took place with Ms. Block questioning if the City has the authority to limit the total amount of loans and/or subsidies. City Manager Benton indicated there is $200,000 budgeted by the City for this program and we would use that money in the same type programs we use loan pool money. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Keller and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BID REQUEST 84-20 - REFUSE COLLECTION TRUCK - BID AWARDED TO SANCO CORPORATION

Included in the 1984-85 budget is funding for two new garbage collection routes to meet the increasing population of the City. Administration has solicited bids for a 25 cubic yard rear load refuse collection truck with a required delivery date of November 1, 1984. This is necessitated by the need to immediately activate one new route. Only one bid was received. City policy provides that a second bid request would be sought if only one bid is received; however, the demand for this vehicle is felt to justify considering this bid. Delivery of these vehicles are now projected to be nine months for normal bid situations.

Recommendation: It is recommended that the bid submitted by Sanco Corporation in the amount of $67,972 be accepted. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

BENSON DRIVE CONSTRUCTION - CONCEPT APPROVED - RESOLUTIONS OF INTENT ADOPTED; FUNDS APPROPRIATED

At the September 18 Council Meeting, approval was given to the concept of constructing Benson Drive from Navaho Drive northward to its current terminus. Administration was requested to review the financing of the project and submit a report to the Council.

The estimated cost of this project is $180,000. Under the proposed amendment with EFH Grove Tower Associates, the City would pay one-half of the estimated cost or $90,000.

A copy of the proposed agreement was forwarded to the Council prior to the Council Meeting.

Recommendation: That the Council approve the agreement with EFH Grove Tower Associates, authorize Administration to proceed with design for the road, and approve the following budget amendment:

Revenue:		
32-1-0070-0200	Misc. Income Increase	$90,000.00
Expenditures:		
32-2-5031-0100	Benson Drive Increase	$90,000.00
Transferred From:		
08-2-0000-0001	Council Reserve	$90,000.00
Transferred To:		
32-2-5031-0100	Benson Drive	$90,000.00

Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolutions 623 and 624 and Ordinance 420 TF 6.

RESOLUTION NO. (1984) 623

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Carter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

Installation of curbs, gutters, drains and paving 41 feet back to back with a 2-inch asphalt surface on an 8-inch stone base on Benson Drive from Navaho Drive north to the existing paving.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. THat the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a public hearing on all matters covered by this resolution shall be held on the 6th day of November, 1984, at 7:00 p.m., in the Council CHamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached.

Adopted: October 2, 1984

RESOLUTION NO. (1984) 624

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water mains located and described as follows:

PU 1984-2 - Installation of 1,800 feet ± 8-inch water main beginning at Navaho Drive, northward along Benson Drive, extending to existing to 8-inch water main.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the sixth day of November, 1984, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: October 2, 1984

ORDINANCE NO. (1984) 420 TF 6

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	84-2-1060-0101	EMJ Classification	$ 2,000.00
To	84-2-1060-0000	EMJ Plant Expansion	2,000.00
Purpose:	Contract Change Order - E. M. Johnson Plant Expansion - Constructors, Inc., #G-8.		
From	84-2-1407-0101	WS 1984-3A	$12,149.53
To	84-2-1401-0000	North Area Lines	12,149.53
Purpose:	Change Order - WS 1984-3, 24" Main U.S. 1 North, R.G.K., Inc.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 40-2-1510-0100	Civic Center Modifications	$ 2,100.00
To 40-2-1510-0104	Misc.	2,100.00
Purpose: Provide funds for soil and concrete testing for Civic Center additions.		
From 01-2-1040-0001	Contingency	$ 120.00
To 01-2-1020-0213	Registrations	120.00
Purpose: Registration for eight members of Board of Adjustment for Triangle J Council of Governments Workshop.		
From 40-2-1515-0000	CC Plaza Improv.	$ 1,200.00
To 40-2-1520-0104	CTR Plaza Pk. Dk. B	1,200.00
Purpose: Overrun in utility survey in accordance with City/York-Hannover Contract.		
From 38-2-3040-0100	Green Road Park	$ 4,000.00
To 38-2-3040-0104	Green Road Park D	4,000.00
Purpose: Misc. items including advertising, testing and reimbursable expenses, Green Road Park.		
From 01-3-3100-0139	Reserve Equip./Police	$ 6,105.00
To 01-2-4020-0725	Office Equip. Relocation	6,105.00
Purpose: To purchase needed office equipment.		
From 08-2-0000-0001	Council Reserve	$90,000.00
To 32-2-5031-0100	Benson Drive	90,000.00
Purpose: Payment of City portion of Benson Drive Improvements.		
From 43-2-3060-0100	Loans & Grants	$ 3,800.00
To 43-2-3060-0200	Consultants	3,800.00
Purpose: Providing additional funds for Rehabilitation Specifications.		

Adopted: 10/2/84

ADDENDUM

PARKING DECK - WILMINGTON STREET - ADMINISTRATION AUTHORIZED TO PROCEED WITH PLANNING AND DESIGN PROCESS

City Manager Benton explained during approval of the Transit Transfer Facility discussions and a concept was approved for a parking deck to be constructed in conjunction with that facility on Wilmington Street. He indicated a funding mechanism has been suggested that would include a 2/3 net debt reduction bond with the remaining financing being from Revenue Sharing. Mr. Benton indicated what he would recommend is that Administration be authorized to move forward with the normal planning and design process for the parking deck. Ms. Babb moved Administration's recommendation be upheld. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

ASSESSMENT - 2700 SOUTH SAUNDERS STREET - CITY TO ABSORB COST; NEW PROCEDURE ESTABLISHED

City Attorney McCormick indicated he sent Council Members a memo relative to an outstanding nuisance abatement cost relative to 2700 South Saunders Street. He explained the State purchased this property for right-of-way purposes and when they did the title search, the attorney did not pick up the fact that there were outstanding assessments. He indicated the attorney has reported he contacted the City by phone and was not told of the outstanding assessments. Mr. McCormick indicated in his memo, he had made several recommendations as follows: (1) that the City go ahead and absorb the cost of the assessment relating to 2700 South Saunders Street, (2) that the Revenue Collector immediately cease providing telephone checks for outstanding assessments and require people to come down and do their own checks, (3) formally notify the City/ County Tax Attorney that the City wants him to allege outstanding assessments if any exist when he files answers to condemnations.

Ms. Block moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

T.V. PORNOGRAPHY - MEETING ANNOUNCED

Mayor Upchurch announced the meeting in which Tom McNamara would discuss T.V. pornography. He indicated the City Attorney plans to attend this meeting and he would like for as many Council Members as possible to attend pointing out Council Members had received a memo with information relating to the meeting.

OUTER BELTLOOP - CITY REQUEST NAME TO BE CHANGED TO NORTHERN WAKE EXPRESSWAY

Mayor Upchurch indicated everyone keeps discussing the outer beltloop of the City of Raleigh. He stated, however, as it relates to the City of Raleigh, we are talking

about the northern leg between Interstate 40 and U.S. 64 and what we are really talking about rather than an outer beltloop for the City of Raleigh is the Northern Wake Expressway. He indicated he felt that this project should be renamed to Northern Wake Expressway pointing out that would remove it from being considered a Raleigh project. Mayor Upchurch suggested that the City Council request the State D.O.T. to redesignate this section of the "outer beltloop" as the Northern Wake Expressway. Mr. Keller moved the Mayor's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CABLEVISION OF RALEIGH - TO BE REQUESTED TO APPEAR BEFORE THE CITY COUNCIL TO EXPLAIN PLANNED RATE CHANGES; TELECOMMUNICATIONS COMMISSION TO CONTINUE STUDY

Mayor Upchurch indicated last week, the City of Raleigh received notification that Cablevision of Raleigh appeared before the Telecommunications Commission and explained a planned rate increase. He indicated it has more or less determined that there is a violation of our franchise in terms of equipment charges. He indicated he would request that Cablevision of Raleigh representatives present themselves to the City Council at the next meeting to explain their planned rate increase and at the same time, the Telecommunications Commission could continue reviewing the planned increase. City Manager Benton indicated the fact sheet that Cablevision distributed last week does include several items that affect customers' rates. He indicated several of the items, the City feels are covered by Section 6 of the City's franchise. He briefly explained the planned changes in charges which relate to the elimination of the converter rental fees, an increase of $1 on the rental charge of the remote control unit and a plan to increase fees for premium channels. He indicated what he would suggest is that the City Council ask Cablevision representatives to appear and explain their planned rate changes and the legal basis for making such adjustments under the current franchise and at the same time, ask the Telecommunications Commission to continue their review and give the City Council their advice on the planned increases prior to or at the October 16 Council Meeting. Ms. Babb moved the Manager's recommendations be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRAFFIC - LYNN ROAD/SANDY FORKS ROAD - REFERRED TO ADMINISTRATION

Mr. Congleton indicated with the installation of the traffic light at the Lynn Road/Six Forks intersection, there seems to be some problems developing at the Lynn Road/Sandy Forks intersection. He indicated at the Lynn/Sandy Forks intersection, there is stop sign and the people coming from Lynn Road trying to turn north are having problems getting out onto Sandy Forks and it is backing traffic up through the signalized intersection. He indicated we may need to put a traffic light at the Lynn/Sandy Forks intersection at peak time. He stated there is a problem and it seems to be creating a dangerous movement and he would like for Administration to look at the problem. Without objection, the item was referred to Administration.

GARBAGE - SANDY FORKS ROAD - REFERRED TO ADMINISTRATION

Mr. Congleton indicated there is a house on Sandy Forks Road at which garbage is piling up in a bin near the road. He indicated he did not know what is creating the problem but for some reason, the garbage is not getting picked up and it is becoming quite junky and from a sanitation point of view, could be becoming a health problem. Without objection, Administration was asked to look into the situation.

SIDEWALK INSTALLATION - WHITTIER DRIVE - ADMINISTRATION TO PROVIDE COST

Mr. Congleton indicated the Northclift Garden Club contacted him about the possibility of sidewalks being installed on Whittier Drive going between Northclift and park property. He indicated there are only two property owners involved and they have no objection to sidewalks being installed, however, they do not want to pay for the installation of sidewalks as it is a community need rather than a need relating just to them. He indicated the Garden Club would possibly like to take on the installation of sidewalks as a project because of the community need, however, they do not know what costs are involved. He asked that Administration look at this and provide him with information as to cost of installation of sidewalks so that he could provide this to the Garden Club.

CABLEVISION - COMMENTS RECEIVED

Mr. Congleton indicated he had the privilege of having the salesman from Cablevision come by and call on him relative to the expanded service. He indicated he had heard many comments relative to the practices of some of the sales people in terms of the information they share with the customers. He indicated when the sales person called on him, he was told he had to pay a $4 fee for the remote control rental and also explained that the sales person presented only the total package rather than the options available. He stated he felt that the City needed to address a letter to Cablevision asking them to provide their sales staff with adequate information and caution them to present a true picture to the customers of what is available.

Mr. Congleton also explained he had received a letter from Ralph Emanuel relative to Cablevision and would ask that that letter be spread on the minutes of the meeting. Without objection, it was agreed that a letter would be written to Cablevision and the letter from Mr. Emanuel would be spread on the minutes of the meeting. The letter from Mr. Emanuel was as follows:

"I feel that I have been grossly mislead about the cost of continuing to subscribe to Cablevision under the new 60 channel format. It was widely advertised that the cost of service for a home converting to the new format and otherwise maintaining the same level of service would be comparable to the cost prior to conversion.

When I converted to the new format, my bill for the same service (except for the 60 channels) went from $18.95 per month to $28.90 per month. I do not think that anyone would consider a cost increase of over 50% as comparable cost.

I urge the City Council to carefully consider this the next time that the contract for cable television in Raleigh comes up for renewal.

Sincerely,

Ralph Emanuel"

SISTER CITY COMMITTEE - INFORMATION RECEIVED

Mr. Walters pointed out the Sister City Committee has been meeting and they are looking into the possibility of having an International Festival. He briefly explained an International Festival pointing out he would be bringing information to the Council at a later date.

NORTHEAST RALEIGH DEVELOPMENT - INFORMATION TO BE FORWARDED TO THE COUNTY

Mr. Walters indicated earlier in the meeting, Ms. Block expressed concerns about the development in northeast Raleigh. He indicated we are receiving a lot of requests for rezonings in anticipation of water and sewer in that area. He stated he felt it would be good if there could be some way that Administration could let the school system know that they should take this anticipated growth into consideration in their planning. He indicated the same would be true for roads and other infrastructure in the area. The item was referred to Administration.

TRAFFIC - LONGVIEW SHOPPING CENTER - REFERRED TO ADMINISTRATION

Mr. Walters indicated there are traffic problems relating to Longview Shopping Center presently and pointed out the shopping center is being enlarged. He explained the traffic circulation in the area now pointing out people turn right, then make a U-turn at Lord Berkley and that is where the traffic from the enlargement will come in to the street. He stated there are already traffic problems now and he can foresee with the enlargement that additional traffic problems would be created and he would like for Administration to look at the circulation and offer suggestions. Without objection, the item was referred to Administration.

WORKSHOP - PRIORITY PROJECTS - ADMINISTRATION TO GIVE STATUS REPORT

Ms. Cates indicated she felt that the Council needed to reassess the workshop list of projects. She indicated she would like to see where we are on the projects and if we are still making progress toward these goals. She indicated in addition to a progress report on the various projects, she would also like to see some information indicating the amount of staff time related to these projects and needed to accomplish these goals. She indicated if there are staff problems or other problems in meeting Council goals, she would like to know that as she feels that the Council should review the status and make midterm adjustments if needed. Mayor Upchurch indicated he feels that this Council can be very proud as great strides are being made with sewer up the Neuse River. He indicated the Road Bond Program is going along nicely and the downtown is moving forward. Administration was asked to provide the status report as requested.

SEWER PROBLEM - 2603 VANDERBILT - REFERRED TO ADMINISTRATION; WATER PRESSURE IN CAMERON PARK - REFERRED TO ADMINISTRATION

Ms. Block indicated she had received a call from Alice Ehrlick, 2603 Vanderbilt Street, indicating she had had her second sewer backup. Ms. Block indicated she would like to have a report on what is causing the backup and also have Administration contact Ms. Ehrlick and tell her how to file a claim if necessary. Ms. Block also stated she would like for Administration to check the water pressure in the Cameron Park area indicating she had received some calls complaining about the low pressure. Without discussion, the two items were referred to Administration.

ZONING MAP - TO BE AVAILABLE DURING COUNCIL MEETING

Ms. Block indicated during discussions on one of the zoning cases earlier today, she requested that anytime zoning cases appeared on the Council Agenda that a big map be available showing the total area in which the rezonings are being requested. She indicated Council Members do receive a small map showing the areas being considered for rezoning but she would like to see the larger picture. Without objection the item was referred to Administration.

CITY COUNCIL CHAMBERS - LIGHT SWITCH CONCERNS - REFERRED TO ADMINISTRATION

Ms. Block indicated she had some concerns relative to the fact that the light switch which controls the lights in the City Council Chamber is located adjacent to the main entrance. She indicated once already, someone had accidentally hit the light switch which put the Council Chamber in total darkness. She suggested the possibility of having some type cabinet or enclosure over the light switch so that someone could not accidentally or on purpose turn it off during a meeting which could create problems. Without objection, the item was referred to Administration.

TRAFFIC - BOYLAN HEIGHTS AREA - REFERRED TO ADMINISTRATION

Ms. Block indicated she had received a letter outlining many concerns from the Boylan Heights area. She indicated one of the concerns relates to truck traffic and excessive speeding on Boylan, Lenoir, Dorothea and South Streets. She stated she would like for Administration to check on the number of trucks coming through the area and the complaint of excessive speeding. Without objection, the item was referred to Administration.

CENTRAL DISTRICT CAC - COMMENTS - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Ms. Block indicated the Central District Planning Committee had some very good suggestions relating to the Comprehensive Plan. She presented a copy of the report of the Central District Planning Committee Meeting and asked that it be given to the Comprehensive Planning Committee to be considered when they get around to discussing the Central District Plan. The item was so referred.

TEXT CHANGE PROPOSAL - RESIDENTIAL USES AND O&I - PUBLIC HEARING AUTHORIZED

Ms. Block indicated she would like for the City Council to direct the City Attorney to prepare a text change that will require all residential development in O&I-I and O&I-II to obtain, prior to their development, a special use permit to be issued by the City Council following a public hearing and that this proposed text change be heard at the joint hearing in November. Her motion was seconded by Ms. Cates. Mr. Keller questioned if it would not be simpler just to remove residential as a permitted use in O&I-I and II. City Attorney McCormick indicated it could be handled either way. Discussion took place and Ms. Block and Ms. Cates amended their motion to direct the City Attorney to prepare text changes, one as previously suggested by Ms. Block and a second to remove residential use as a permitted use altogether from O&I-I and II. The motion as amended was put to a vote and passed unanimously.

During the night portion of the meeting, Ms. Block indicated during the afternoon portion, the Council voted to send to public hearing two different items relating to O&I-I and II. She indicated she would like to change that motion and just make a motion to send to public hearing a proposed text change that would simply remove residential as a permitted use in O&I-I and O&I-II. Discussion took place and it was pointed out the best way to handle this is to reconsider the action in the afternoon meeting. Ms. Block moved that the City Council reconsider its action relating to residential uses in O&I to go to the November zoning hearing. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. Ms. Block moved that the City Council send to public hearing a text change to remove residential as a permitted use in O&I-I and O&I-II zoning. Her motion was seconded by Mr. Keller. Mr. Walters stated he had no objections to this motion as long as it is understood that a decision had not been made that residential use would not be a permitted use in O&I-I and II zoning. Ms. Babb pointed out this is only a proposal to send something to public hearing and when you send something to public hearing, you are just offering it for debate, that the Council does not have to decide before something goes to public hearing how they plan to vote. Brief discussion took place and Ms. Babb made a substitute motion that the City Council stick to the original motion that was passed in the afternoon; that is, to send the two separate proposed text changes to public hearing. The substitute motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT OF CITY CLERK AND TREASURER

MINUTES - SEPTEMBER 18 COUNCIL MEETING - APPROVED AS AMENDED; MINUTES OF SEPTEMBER 18 AND SEPTEMBER 20 ZONING HEARINGS - APPROVED

The City Clerk indicated Council Members received copies of the minutes of the September 18, 1984, Council Meeting and the September 18 and September 20 Zoning Hearing Minutes - approved as presented.

Ms. Block indicated during the September 18 minutes, discussion took place on PU 1984-5 - Sewer Main in Newton Road. She indicated the minutes show that the action taken was adoption of a Resolution of Intent calling for a public hearing to consider this installation. She stated, however, since a signed waiver had been received from all of the property owners involved that another public hearing was not necessary, that the action of Council should have been a resolution directing the project. She moved that the minutes be amended to clarify that action. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. Ms. Block then moved that the September 20 minutes be approved as clarified. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. Without objection, the Zoning Minutes of the September 18 and September 20 meetings were approved as presented. Ms. Cates indicated the

September 24 Comprehensive Planning Minutes should be amended, Page 3, to indicate that she questioned if the citizens were recommending changes relating to Ferndell and Washington Streets. She indicated the minutes reflect that she only questioned Washington Street but it should be Ferndell and Washington. Without objection, those minutes were to be amended in that manner.

ADJOURNMENT

There being no further business, Mayor Upchurch announced the meeting adjourned at 4:10 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk and Treasurer

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, October 2, 1984, in the City Council Chamber of the Municipal Building at 7:00 p.m. with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

DOWNTOWN COMMITTEE - SPECIAL MEETING CALLED

Mayor Upchurch indicated the Council has been informed that our UDAG grant application relating to the City Market had been rejected, therefore, there is a need for a Downtown Committee Meeting. After brief discussion, the Council agreed on a Downtown Committee Meeting on Monday, October 15, at 9:00 a.m.

BUSINESS AND TECHNOLOGY CENTER - MEETING ANNOUNCED

Mayor Upchurch indicated a meeting will be held at 4:00 p.m. on October 8 in the Conference Board Room of the YMCA relating to the Business and Technology Center. He indicated representatives of Control Data will be present and make a presentation and urged as many Council Members as possible to attend.

REQUESTS AND PETITIONS OF CITIZENS

SANITARY SEWER EASEMENT - 2108 YORKGATE - TO BE SOLD FOR $1 PLUS ADVERTISING COST

Martin Graff had requested the Council to consider abandoning a sanitary sewer easement on property at 2108 Yorkgate, Lot 8. Mr. Graff was not at the meeting. City Manager Benton indicated this is a utility easement and the applicant is requesting that the City sell or abandon a 9 foot wide strip on the south of the property. He indicated it would not affect the location of the sewer line and we would have a 26 foot wide easement remaining as presently this is a 35 foot wide utility easement. He pointed out we require a 20 foot easement, therefore, Administration recommends that the Council concur in this request and authorize the City Clerk to advertise the sale using the upset bid method with the minimum price being $1 plus the cost of advertising. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA HOUSING FINANCE AGENCY - OAKWOOD VILLA APARTMENT PROJECT - WITHDRAWN

James M. Tanner, Jr., representing Highland Mortgage Company, had requested permission to petition the Council to approve the participation by the North Carolina Finance Agency in financing of the rehabilitation of Oakwood Villas. The City Clerk reported Mr. Tanner had requested that the item be withdrawn from the Agenda with no action taken. Without objection, the item was withdrawn.

WATER BILL - 1314 WALNUT STREET - REFERRED TO THE PUBLIC WORKS COMMITTEE

Carolyn Amerson was at the meeting pointing out she has received a water bill for three months in the amount of $624 at 1314 Walnut Street. She stated she was at the meeting to ask the Council for some type adjustment. City Manager Benton indicated the bill at 1314 Walnut Street did jump drastically in May and was high again in June and July for a total of $624 for the three months. He indicated it has been ascertained that the cause of the high bill was faulty plumbing in the unit. He stated Administration has no authority to give any time payment nor can Administration authorize any adjustment in the bill. He gave a history of the bill at 1314 Walnut Street. Ms. Cates questioned if we have some type flyer that we place on the door knob of a unit when we see the water bill is running extremely high with City Manager Benton indicating he did not know how this particular item was handled. He pointed out, however, they did have three months of excessive bills before they could get the problem resolved. Ms. Amerson indicated she called Brown Real Estate Company and a plumber came and could not find anything wrong. She stated when a second bill was received, he came out a second time and said it was a leaky commode, however, she could tell no difference after the alleged repairs were made. Ms. Babb indicated she knew we did not have a clear cut mechanism for helping but this does seem like a drastically high use and maybe it should be looked at in Committee. Brief discussion took place and without objection, the item was referred to Public Works Committee.

COMPLAINT - INVESTIGATIONS DIVISION/POLICE DEPARTMENT - REFERRED TO ADMINISTRATION

Leslie Wright, 2234 Fox Ridge, was at the meeting and presented Council Members the following prepared statement: (Following copy typed exactly - spelling and sentence structure - as presented.)

"I will briefly give you several reasons why I am sueing the City of Raleigh.

1) The mental, emotional and psycological state I've become enveloped in, due soley from numerous occassions of negligence on behalf of the Police Department and Investigation Department.

2) The unneccessary irrational harrasement to another member of my family, who happens to be a minor, for their own illerate reasons.

3) The mere fact that whenever any citizen of the City of Raleigh, needs and reaches out for help from the Police Department. They are to give help if possible, not evade the situation, as they have done with me."

Mr. Walters indicated the statement speaks to Ms. Wright suing the City and if that is the case, he does not feel this item should be discussed by the Council. Ms. Wright indicated she has a copy of the Charter that says she had to come through the City Council with the City Attorney indicating that section of the Charter has been repealed. Ms. Wright indicated some of things in her statement are just part of the things that have gone on. She explained on June 27, 1984, she sent a letter to the Mayor's Office and presented Council Members with a copy of that letter. She explained she discussed the problem with the Mayor's secretary and that is the only time she has received any type response from the investigation that was made in June. She pointed out the telephone calls started in May and all information that Southern Bell recorded was sent to the Investigative Division but she had not been able to get any help from them and no warrants have been issued. She indicated she did receive calls after the letter was sent to the Mayor's Office. She indicated two of the police officers have been harassing her daughter. She explained she talked with Captain Gregory and the matter was turned over to the Internal Affairs Unit. She indicated the threatening calls were made in June and it has been a horrible nightmare. Ms. Block questioned if this item has been reported to Southern Bell with Ms. Wright indicating the matter has been reported to Southern Bell. She explained the calls didn't stop until July. She indicated it went to court but that is as far as it got. She stated they know who made the calls, etc. Mayor Upchurch questioned if this is a personal problem between Ms. Wright and someone in the Police Department with Ms. Wright indicating it has nothing to do with a personal problem. In response to questioning from Mr. Calloway, Ms. Wright indicated they do not know who made the calls, they just know where the calls came from. Ms. Babb questioned if Ms. Wright is saying that it is her belief that the Police Department has not responded appropriately to her complaints about the police officers who have worked with Ms. Wright on this matter. Ms. Babb indicated as she understands Ms. Wright's comment, she is asking that the City take another look in terms of Administration double-checking or reviewing the activities of one of its departments. Mayor Upchurch questioned if Ms. Wright is making complaints against any particular police officer. Ms. Wright indicated it's just the way the matter was handled. Without further discussion, the matter was referred to Administration.

SUBDIVISION APPLICATION - ADMINISTRATION TO EXPEDITE

Mr. and Mrs. Roger L. Cordis, Jr., had requested the Council to make a decision on their subdivision application. Ms. Block indicated Mr. and Mrs. Cordis would be at the meeting. She indicated this involves a lot at the corner of Boylan and South Street on which there are two houses. She indicated the matter is in the Planning Commission and she would like to ask the Planning Commission and staff to expedite this subdivision. She indicated someone wants to buy the house and will lose their financing in two days after the next Council Meeting. She stated a report needs to be made by the next Council Meeting. City Attorney McCormick indicated it would be helpful if Mr. and Mrs. Cordis could provide the City Administration with some information about the 1953 will and any other information they have on the property. Without objection, Administration was asked to try to expedite this matter and give a report at the next meeting.

UNSAFE BUILDING - 516 NORTH PERSON STREET - REFERRED TO LAW AND FINANCE COMMITTEE

Gladys Perry had requested permission to discuss the unsafe building at 516 North Person Street. Mr. Keller indicated he had been contacted by former Councilman Tony Jordan and he would ask that this matter be referred to Law and Finance Committee to hold for two weeks. He indicated as he understands it, there is a valid offer to purchase this property and all that is needed is Ms. Perry's signature. Without objection, the item was referred to Law and Finance Committee.

PUBLIC NUISANCE APPEAL - 317 ROSELLE COURT - REFERRED TO PUBLIC WORKS COMMITTEE

Attorney William P. Daniell, P. O. Box 2088, Durham, North Carolina, was at the meeting representing Wakefield Apartment Complex. He indicated the area in question relates to shrubbery lying between the Wakefield Village and the Wakefield Apartment Complex pointing out the City of Raleigh has indicated it is a public nuisance. He stated as he understood it, the provision of the Code involved is 7.5002 and the only one of the 14 items listed in this section that he feels could apply is 3.a. He read that provision of the Code and explained that the area in question could be a technical violation of this provision of the Code but if it is, he doubts if there is a building lot in Raleigh that does not have a public nuisance pointing out any vegetation over 8 inches in height, constitutes a public nuisance and that includes shrubs, grasses, etc. Attorney Daniell presented photographs of the area in question and explained the vast majority of the plants in the area of the alleged nuisance are

Lespedeza and it is neither a weed nor a grass. He explained why the Lespedeza was planted in this area and pointed out it is the same thing that the D.O.T. puts on the side of the road. It is used as ground cover and helps stabilize the soil. He indicated if this Lespedeza is cut back all the way, then all you would have is brown stubbles. He explained the back side of the shopping center is littered with trash and this area of shrubbery acts as a buffer to catch the trash as it blows away from the shopping center. He indicated the area in question does have weeds growing in it but his client does not know what to do about it. He stated his client wanted to clean it out, clip the grass and maintain the area but does not want to cut down the Lespedeza pointing out he does not think that this is the type of area that constitutes a public nuisance. He stated he was at the meeting to ask the Council to allow his client to maintain the area as it exists. He explained the photos in detail.

Housing Inspections Supervisor Bartholomew indicated he met with representatives of Wakefield Apartments after a complaint was received. He indicated they contacted the owners by phone and could not get any results. He indicated when Attorney Daniell filed the appeal, representatives of his office did go out on site and meet with Attorney Daniell. He stated, however, Administration cannot grant a variance and in the past has required vegetation of this type to be cut. He explained the area is 400 to 500 feet long and 60 to 70 feet wide. Discussion took place and without objection, the item was referred to Public Works Committee.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE.

PUBLIC HEARINGS

PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs for abating public nuisances as outlined below. The Mayor opened and closed the hearing on each case:

3400 Pinecrest Drive - Norman K. and Evelyn B. Stanley, property owners - $218. No one asked to be heard. Mr. Congleton moved adoption of a resolution confirming costs as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 625.

101 Idlewild Avenue - W. T. Washington, Heirs, property owners - $148. No one asked to be heard. Mr. Calloway moved adoption of a resolution confirming costs as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 625.

1121½ Fayetteville Street - Housing Inspections Supervisor Bartholomew requested that this item be withdrawn as the charges have been paid. Without objection, the item was withdrawn.

309 South Swain Street - Robert Lewis Banks, property owner - $97. No one asked to be heard. Ms. Babb moved adoption of a resolution confirming charges as advertised. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 625

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Norman K. and Evelyn B. Stanley	3400 Pinecrest Drive Lot 420, Map 436 ID# 0066858	$218.00
W. T. Washington, Heirs	101 Idlewild Avenue Lot 14, Block G-17, Map G-2 ID# 0074463	148.00
Robert Lewis Banks	309 South Saunders Street Lot 4, Block B-4, Map B-1 ID# 0061556	97.00

Section 3. That this resolution shall become effective October 2, 1984.

Adopted: October 2, 1984

PU 1984-7 - BRADDOCK DRIVE - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 2,238 feet of sanitary sewer main beginning at 3101 Braddock Drive, northwestward, with assessment on the per lot basis to apply. Public Utilities Director Simmons explained the project. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of a resolution directing the project as advertised. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 626

A RESOLUTION TO DIRECT THAT THE SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1984-7 - Installation of approximately 2,238 feet of 8-inch sanitary sewer main beginning at 3101 Braddock Drive respectively northwest to Dodsworth Drive, thence starting at 6101 Dodsworth north to tie into existing line in Winthrop Drive.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Per lot basis.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 10/2/84

ADJOURNMENT

Their being no further business, the meeting adjourned at 8:10 p.m.

Gail G. Smith
City Clerk and Treasurer